

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DARIUS PETTWAY, JR.,)
)
)
Petitioner,)
)
) CIVIL ACTION NO. 11-0239-WS-M
v.)
)
UNITED STATES OF AMERICA,) CRIMINAL ACTION NO. 08-0320-WS
)
)
Respondent.)

ORDER

This matter is before the Court on the petitioner's motion to alter or amend. (Doc. 72). The motion and attachments reflect that the petitioner timely requested an extension of time within which to file objections to the report and recommendation ("R&R") but that the request was never delivered to the Court – and ultimately was returned to the petitioner – because it was mailed to a post office box the Court has not employed for a number of years. The petitioner's use of this address was understandable and appropriate, since the envelope containing the R&R identified it as the Court's return address.

Accordingly, the motion to alter or amend is **granted**. The Court's order adopting the R&R as the opinion of the Court, denying the motion to vacate and dismissing the action, as well as the Court's judgment against the petitioner, (Docs. 68, 69), are **vacated**. The petitioner is **ordered** to file and serve any objection to the R&R on or before **August 30, 2013**.

DONE and ORDERED this 9th day of August, 2013.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE